

UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA)

V.

LOUIS CABRERA

Defendant.

Docket No.: 1:04-cr-10159-NG-1

DEFENDANT'S MOTION FOR DISCOVERY

The defendant, Louis Cabrera, moves that this Court order the government to provide him with the following discovery:

(1) Tangible Objects

In addition to items intended for use by the government as evidence in its case-in-chief at trial or which were obtained from or belonged to the defendant, the defendant requests the following items within the possession, custody, or control of the government which the defendant deems material to the preparation of his defense:

- (a) to the extent practicable, originals or photographic (rather than photocopied) duplicates of all photographs taken during the course of the offenses charged or the investigation conducted in the instant case (including but not limited to crime scene photographs, photographs taken during or incident to any searches and photographs taken in connection with any tests or examinations), whether or not the government intends to use such as trial, or, where it is not possible to provide photographic duplicates, the defendant requests an opportunity to inspect the originals and that he be provided with color photocopies;
- (b) copies of any and all audio tapes or video tapes or other films made during the course of the offenses charged, during any identification procedures conducted in the instant case, or during the investigation conducted in the instant case, whether or not the government intends to use such at trial; and an inventory of any and all such tapes which have been or are to be provided to the defendant;
- (c) any and all applications for search warrants or arrest warrants made in the investigation of this case, any warrants issued, and the returns on those warrants;¹
- (d) inspection of or photographic duplicates of photographs displayed to any witnesses;

¹ Search warrants that lead to evidence that the government intends to introduce in its case in chief.

- (e) any and all charts; summaries; diagrams, or maps that will be used by the government at trial;
- (f) any and all charts, summaries, diagrams, or maps that was created, marked, or reviewed by any witness during the investigation of the instant case and/or during any grand jury testimony;
- (g) any and all telephone toll records or pen registers, within the possession, custody or control of the government, whether or not they will be introduced as government exhibits at trial;
- (h) Any and all logs of recorded conversations and any logs of any government surveillance of the defendant or of any co-defendant;
- (i) Any and all documents describing the chain of custody of each of the items recovered or seized from the defendant or seized during any searches of premises and/or automobiles controlled by or belonging to the defendant;
- (j) Any and all fingerprints and palmprints lifted from any surfaces during the investigation of the instant case, all photographs taken of any fingerprint analysis process conducted by the government, and all sketches or other documents identifying the precise location from which the fingerprints and palmprints described in the previous request.

(2) Reports of physical or mental examinations, and scientific tests or experiments

Reports of any and all such examinations, tests, or experiments which are known, or by the exercise of due diligence may become known, to the government, including the worksheets, data, graphs, notes, work papers, other documents recording results, and the testing protocols, of any examinations, tests or experiments.

(3) Interviews of persons not called as witnesses

Any and all memoranda and reports of government law enforcement agencies made during the investigation and prosecution of this case from interviews with persons not expected to be witnesses at trial, and the names and addresses of any and all individuals whom the government has reason to believe have knowledge of the offenses charged and whom the government will not call as a witness at trial.

(4) Prior Bad Acts and Pendency of Criminal Charges

Any and all prior bad acts of any witness constituting a violation of state or federal law for which the witness has not to date been prosecuted or for which the witness or the defendant could still be prosecuted under applicable statute of limitations, and any and all evidence of prior bad acts attributable to the defendant which the government intends to introduce at trial

and the specific nature of any and all charges pending against a witness in any state or federal jurisdiction.

(5) Defendant's Statements and/or Admissions

The names and addresses of any and all individuals who will testify as to statements of the defendant which the government intends to offer as admissions at trial and true and complete copies of any and all statements, either written or transcribed and to reduce to writing any oral statements made by the defendant and by any co-defendant which the government intends to offer at trial.²

(6) Promises, Rewards or Inducements

Any and all information known to the government or that by the exercise of due diligence can be ascertained by the government of statements of promises, inducements or rewards of any kind or nature made to any individual whether or not the government intends to have testify or who does have testify at trial, including but not limited to any and all payments made to a CI or other witness, whether in connection with this case or some other case or investigation.

(7) Testimonial Faculties

Any and all data concerning the testimonial faculties of any witness, including psychiatric data and/or any history of drug or alcohol use.

(8) Notes

Any and all notes made by an law enforcement agent or official during the course of the investigation of the instant case and if any such notes have been lost or destroyed by any law enforcement agent or official or are otherwise unavailable for inspection by the Court, specify the author or creator of any such notes, the dates created, the date destroyed and the agent or officials explanation for the loss or destruction.

(9) Expert Testimony

A written summary of any expert testimony that the government intends to offer at trial, including but not limited to the witness' opinions, the bases and reasons therefore and the witness' qualifications to testify as an expert.

(10) Witness Statements

Any and all statements of any witness, whether or not the government intends to call such witness at trial, including but not limited to any such statements made to the Drug

² A precise disclosure of any such statements is necessary in order to insure that any such statements were not made during the course of proffers to the government or its agents and/or are a product thereof.

Enforcement Administration, Massachusetts State Police, United States Attorneys, state or federal grand juries and/or any other local, state or federal law enforcement agency.

(11) State Police and Local Police Department Records

Any and all case files, including any and all reports regarding the instant case, including but not limited to the surveillance and arrest of the defendant of Massachusetts State Police and any and all other Massachusetts Police Departments relative to instant case.

Respectfully submitted,
By his attorney

/s/Lawrence P. Novak
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CERTIFICATE OF SERVICE

I, Lawrence P. Novak, Esquire hereby certify that on November 3, 2005, I served a true copy of the Defendant's Motion for Discovery upon Assistant United States Attorney, electronic filing.

/s/Lawrence P. Novak